

12/7/06 #33

Zoning Case No. C14-06-0185

RESTRICTIVE COVENANT

OWNER: Domenic Provopulos
ADDRESS: 937 Vanguard Street, Austin, Texas 78734-5128
CONSIDERATION. Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.
PROPERTY: Lots 16 and 17A, Block A, South Lamar Square Subdivision, a subdivision in the City of Austin, Travis County, Texas, more particularly described in an instrument of record in Document No. 2006113939, of the Official Public Records of Travis County, Texas.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Vehicular access from Lamar Square Drive through the Property to the adjacent property to the south is prohibited.
2. Development of the Property is subject to Ordinance No. 20060831-068 that established standards for commercial design.
3. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
4. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
5. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
6. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2006.

OWNER:

Domenic Provopulos

APPROVED AS TO FORM.

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2006, by Domenic Provopulos.

Notary Public; State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Paralegal

Restrictive covenant-Provopulos

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 1340 AND 1342 LAMAR SQUARE DRIVE FROM
3 GENERAL COMMERCIAL SERVICES (CS) DISTRICT TO GENERAL
4 COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-MU-
5 CO) COMBINING DISTRICT.

6
7 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

8
9 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from general commercial services (CS) district to general
11 commercial services-mixed use-conditional overlay (CS-MU-CO) combining district on
12 the property described in Zoning Case No. C14-06-0185, on file at the Neighborhood
13 Planning and Zoning Department, as follows:

14
15 Lots 16 and 17A, Block A, South Lamar Square Subdivision, a subdivision in the
16 City of Austin, Travis County, Texas, more particularly described in an instrument
17 of record in Document No. 2006113939, of the Official Public Records of Travis
18 County, Texas (the "Property"),

19
20 locally known as 1340 and 1342 Lamar Square Drive, in the City of Austin, Travis County,
21 Texas, and generally identified in the map attached as Exhibit "A".

22
23 **PART 2.** The Property within the boundaries of the conditional overlay combining district
24 established by this ordinance is subject to the following conditions:

25
26 A site plan or building permit for the Property may not be approved, released, or
27 issued, if the completed development or uses of the Property, considered cumulatively with
28 all existing or previously authorized development and uses, generate traffic that exceeds
29 2,000 trips per day.

30
31 Except as specifically restricted under this ordinance, the Property may be developed and
32 used in accordance with the regulations established for the general commercial services
33 (CS) base district and other applicable requirements of the City Code.

1 **PART 3.** This ordinance takes effect on _____, 2006.

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3
4 **PASSED AND APPROVED**

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7
8 _____, 2006

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§
§

9 _____
10 Will Wynn
11 Mayor

12
13 **APPROVED:** _____
14 David Allan Smith
15 City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk

